



Town of Amherst  
Planning Advisory Committee Meeting  
Agenda

Date: **Monday, January 8, 2024**  
Time: **4:30 pm**  
Location: **Council Chambers, Town Hall**

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	Pages
<b>1. Call to Order</b>	
<b>1.1 Territorial Acknowledgement</b>	
<p>“I would like to acknowledge that our gathering today is taking place in (MEEG-MA-GEE), the traditional, unceded and ancestral territory of the Mi’kmaw people. I would also like to acknowledge that Nova Scotia has another unique people. These are the Indigenous Blacks of Nova Scotia whose legacy and contributions date back over 400 years predating confederation of this land. We are all treaty people.”</p>	
<b>2. Approval of Agenda/Acceptance of Minutes</b>	
<b>2.1 Approval of the Agenda</b>	
<b>2.2 Acceptance of the Minutes - October 10, 2023</b>	1 - 3
<b>3. Staff Reports / Presentations</b>	
<b>3.1 15 &amp; 31 Victoria Street East</b>	4 - 38
<b>3.2 Public Participation Opportunity Summary - January 3, 2024</b>	39 - 40
<b>4. Closed Session</b>	
<b>4.1 MGA 22(2)(h) - Public Security</b>	
<b>5. Adjournment</b>	

**Town of Amherst  
Planning Advisory Committee  
Minutes**

**Date:** October 10, 2023  
**Time:** 4:30 pm  
**Location:** Council Chambers, Town Hall

**Members Present** Ronald Wilson, Citizen Representative, Chair  
Councillor Hal Davidson, Vice Chair  
Creighton McCarthy, Citizen Representative  
Jim Lamplugh, Citizen Representative

**Members Absent** Deputy Mayor Leon Landry  
Councillor Charlie Chambers

**Staff Present** Andrew Fisher, Director of Planning & Strategic Initiatives  
Emily Wainwright, Dangerous/Unsightly Premises Administrator  
Abiola Falaye, Planner/GIS Coordinator  
Natalie LeBlanc, Municipal Clerk

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**1. Call to Order**

The Chair called the meeting to order.

**1.1 Territorial Acknowledgement**

The Chair gave the Territorial Acknowledgement.

**1.2 Approval of Agenda**

Moved By: Creighton McCarthy

Seconded By: Jim Lamplugh

That the agenda of the October 10, 2023 Planning Advisory Committee Meeting to be approved as circulated.

**Motion Carried**

**1.3 Approval of Minutes - July 4, 2023**

Moved By: Councillor Davidson

Seconded By: Creighton McCarthy

That the minutes of the July 4, 2023 Planning Advisory Committee Meeting to be approved as circulated.

**Motion Carried**

**2. Staff Reports / Presentations**

**2.1 105 South Albion Street**

Abiola Falaye presented the updated application for a Development Agreement to permit the construction of two rows of five, 2-bedroom townhouses, in addition to two apartment buildings. These include an 8-storey building comprising of 128 units and a 4-storey building comprising of 48 units at 105 South Albion Street.

Further to the concern expressed at the public participation opportunity regarding the high-water table, the capped wellhead, and the amount of water supposedly being pumped out the building located at 103 South Albion Street, Councillor Davidson asked staff to explain why they do not anticipate any issues. Mr. Fisher replied that he discussed this with the Town Engineer who does not see it as a significant concern, adding that there are several wellheads that have been decommissioned. Mr. Fisher also added that soil testing will be done onsite, and that it will be up to the applicant's engineer to determine how to manage drainage from the subject property.

Mr. Wilson indicated he would feel more comfortable knowing that the water being generated is not cause for concern, and that he would like to see a storm water management analysis included in the development agreement that would deal with surface water, particularly due to the fact that the proposal includes underground parking. He feels that if there is a high-water table the applicant will have to address this, and that he would like staff to confirm that the existing infrastructure can handle such a large development, and if the drainage system along South Albion Street is a combined sanitary and storm water drainage system or if they are separate. Mr. Fisher replied again that the Town Engineer has reviewed this and determined that it is adequate, adding that it is not up to the PAC to get into such technical issues, and that if the development agreement is approved and changes are required to meet the drainage needs this would be the responsibility of the applicant's engineer. Mr. Wilson replied that he feels this Committee has the responsibility to ask these questions, and that perhaps the development agreement should indicate this be done as a caveat. Mr. Fisher cautioned doing this, as the relevant planning Bylaws and Policies address these concerns.

Councillor Davidson asked staff if the Committee can ask for an analysis. He would like to know if the Town Engineer considered the fact that South Albion Street has been prone to flooding in the past. Mr. Fisher replied that the flooding and drainage issues are further south on South Albion Street which has a separate drainage system, and that the drainage system for this proposal will take a different route further west along Industrial Park Drive.

Mr. Wilson reiterated that he is suggesting the concerns expressed at the public participation opportunity regarding the high-water table issue be brought to the applicant's attention.

**Moved By: Councillor Davidson**

**Seconded By: Jim Lamplugh**

**That the Planning Advisory Committee recommend that Council enter into the Development Agreement for 105 South Albion Street as drafted, subject to any changes that may arise.**

**Motion Carried**

**2.2 Public Participation Opportunity Summary - June 21, 2023 (Including letters of concern)**

Information item only; no direction given or action required.

**2.3 Public Participation Opportunity Summary - October 4, 2023**

Information item only; no direction given or action required.

**2.4 Demolitions Update**

Information item only; no direction given or action required.

**3. Adjournment**

**Moved By: Councillor Davidson**

**Seconded By: Jim Lamplugh**

**To adjourn the meeting.**

**Motion Carried**

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Ronald Wilson  
Chair

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Natalie LeBlanc  
Municipal Clerk

# MEMO

**TO:** Planning Advisory Committee

**FROM:** Andrew Fisher, Director of Planning & Strategic Initiatives

**DATE:** January 3, 2024

**RE:** **Development Agreement – Apartment Building – East Victoria Street**

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## **PROPOSAL**

An application by Casey Realty Limited for a development agreement to allow a 6-story, mixed-use commercial and residential building, in addition to the already approved 3-story, 24-unit apartment building on this site. The subject build will contain commercial uses on the first and possibly second floors, with between 52 and 62 dwelling units on the upper floors.

## **BACKGROUND INFORMATION**

The attached application briefing provides the site details, neighborhood context, and building proposal details.

The subject development replaces an existing parking lot and will allow for commercial and a potential healthcare use on the first-floor with the flexibility of going into the second floor. The remaining space will be occupied by up to 62 new units, which will consist of one-bedroom plus den, two-bedroom, and two-bedroom plus den units for the remaining floors. The units will be between 590 and 914 square feet and will have a balcony of about 83-52 square feet.

A total of 100 parking spaces will be provided with 75 spaces underground accessed by a common vehicle access off Maple Avenue under the Phase One building. 25 surface parking spaces will be located between the two buildings, with access from Maple Avenue and Electric Street.

Being in the downtown core, the development is within a short walk of Victoria Square and several businesses and services. The development will provide green space along Maple Avenue and within a small courtyard located just off to the side of the aboveground parking lot.

Furthermore, this development satisfies section 8.4 Core Area District with its proposed building material and parking requirements. The development also provides large windows on the first floor with awnings to protect public entry ways.

Given that there already exists an approved development agreement for these properties to allow Phase One, the draft agreement will incorporate both phases into one agreement. The Phase One agreement will be repealed and replaced by the current agreement.

## PUBLIC PARTICIPATION

A Public Participation Opportunity was held January 3<sup>rd</sup> with notice provided to occupants of property located with 30 m of the subject site, owners of property within 60 m of the subject site, and meeting notices placed in the local newspaper. Those in attendance at the meeting were generally in favour of the proposal.

## RELEVANT POLICIES

### 1. Residential Policies (RP)

#### RP-11 Affordable Housing

*It shall be the intention of Council to encourage and promote the provision of affordable housing units within all residential areas of the Town by: (a) encouraging a mix of housing types and densities; and, (d) cooperating with Federal and Provincial Governments to facilitate affordable housing within the town.*

The proponent noted that in phase 1 of the project, 50% of the proposed residential units will be affordable (i.e., below market rate) with support from senior levels of government. Furthermore, these additional dwelling units will broadly address the housing shortage by increasing supply, which tends to put downward pressure on rental rates. The clinic and retail space on the first, with the possibility of occupying parts of the second floor, will further allow the units to be kept at a lower cost.

### 2. General Land Use and Development Policies (GP)

#### GP-7 Compatibility

*It shall be the intention of Council to allow a mix of compatible land uses to minimize their impacts by:*

- (a) requiring adequate buffering and setbacks;*
- (b) screening development by the use of visual barriers; and,*
- (c) regulating the location of parking, storage buildings and other accessory uses or facilities.*

The proposal does meet the minimum yard setback standards in the LUB, and fencing or other forms of visual barrier is not essential since this proposal is compatible with other land uses in the area. On top of that, the parking area (underground and surface) for the development is distributed in a manner that it does not dominate the area by limiting accessibility, utilization of vegetation, or aesthetic quality.

#### GP-8 Density

*It shall be the intention of Council to allow development at a density appropriate to the overall desired character of the town.*

High density built to minimum setbacks is appropriate in the downtown core area where this development is proposed.

### 3. Municipal Service Policies (MS)

#### MS-11 (In-fill Development)

*It shall be the intention of Council to encourage and facilitate the development of vacant land located on existing municipal services in order to make more efficient use of such services.*

The proposal is an infill development, which speaks to the efficient use of land that does not require extension of existing town infrastructure. Moreover, the development is in the downtown core area, which reduces vehicle dependency.

### 4. Sustainability Policies (SP)

#### SP-1 (Residential Development)

*It shall be the intention of Council to encourage high density residential development in the Downtown Zone.*

This proposal fulfills the intent of this policy.

### 5. Commercial Policies (CP)

#### Land Use Bylaw Section 8.3.2 (Permitted uses by Development Agreement)

*In the Downtown Zone, a development permit application for the following uses shall be considered by development agreement in accordance with the applicable Municipal Planning Strategy (MPS) Policies:*

*(d) Ground floor residential uses subject to MPS Policy CP-15.*

#### CP-15 (Ground Floor Residential)

*It shall be the intention of Council to consider applications for ground floor residential uses in the Downtown Zone by Development Agreement excluding that portion of a building that abuts Church, Victoria and Havelock Streets. Outside said streets, applications for new residential buildings or ground floor conversion of existing commercial and institutional buildings will not be considered for residential uses unless it can be shown that such a conversion will not detract from the commercial character of the surrounding streetscape.*

*In negotiating such a development agreement, Council shall take into account:*

- (a) the location, height, bulk of the building;*
- (b) the architecture of the building;*
- (c) signage;*
- (d) parking facilities;*
- (e) landscaping;*
- (f) pedestrian access;*
- (g) the unique characteristics of the property and its relationship to the surrounding streetscape;*
- (h) that the ground floor frontage of any building fronting on Church, Havelock or Victoria Streets shall be used for commercial purposes*

With commercial uses occupying the ground and residential uses located on the upper floors, the proposal satisfies the intent of this policy. The overall design and layout of the development including matters such as height, parking, signage, accessibility among other issues outlined in this policy is addressed in the proposal.

## 6. Recreation Policies

### R-21 High Density Open Space

*It shall be the intention of Council to require multiple unit residential properties to provide usable open space for the use of residents on the site.*

The proposed building covers about 24% of the entire lot area and with the approved phase 1 building, leaving little open space available. To mitigate this, each unit is provided their own outdoor patios. Notwithstanding that a significant amount of the remaining space is dedicated to parking, there will be green space along Maple Ave and a smaller park with gazebo behind the building and beside the parking lot. Moreover, the proposed development is within close proximity to Victoria Park, which is a public open space, hence, an additional comfort space for the potential residents to explore.

## 7. Implementation Policy

### A-5 (Amendment Criteria)

*It shall be the intention of Council, when considering an amendment to this or any other planning document, including the entering into or amendment of a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:*

- (a) That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.*
- (b) That the proposal is not premature or inappropriate by reason of:*
  - (i) the financial capability of the Town to absorb any costs relating to the development;*
  - (ii) the adequacy of municipal water, sanitary sewer and storm sewer services;*
  - (iii) the adequacy of road networks, in, adjacent to, or leading to the development*
- (c) That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:*
  - (i) type of use;*
  - (ii) height, bulk and lot coverage of any proposed building;*
  - (iii) parking, traffic generation, access to and egress from the site;*
  - (iv) any other matter of planning concern outlined in this strategy.*

The proposal meets the intent with the relevant town bylaws and regulations. In terms of subsection (b), there would be no significant burden on the Town's finances. The street network and town water, sanitary and storm sewer services can accommodate the development. With regard to subsection (c), the proposed use does not conflict with the existing uses in the neighborhood and the dimensions fit other existing developments in the area. Parking and traffic generation is split between an underground and surface parking area with access off Maple Avenue and Electric Street.

## **DISCUSSION & CONCLUSION**

The proposal has the potential to have a significant positive impact on the downtown district. Currently there is a lack of housing in Amherst, particularly within close walking distance of the downtown core area to support downtown amenities and increase its vibrancy. This building is appropriate in the downtown core area in terms of its height, bulk and general built form. In addition, the development will result in more people living in the town center and increase activity during and after regular business hours. As a result, the possible healthcare facilities and retail space on the first floor could significantly improve access to important amenities. Staff feel that this development could create the impetus for further support for other commercial and residential investments in this area.

Other positive elements include the addition of up to 62 barrier-free, energy-efficient building units. This development would cater to those looking for a living option with a relatively low carbon footprint that supports lower dependence on a personal vehicle.

While improving the building façade to blend better into its surroundings and landscape on the site and to further break up the horizontal appearance is encouraged, staff feel that the proposed development is in keeping with the general intent of the relevant policies in the Town's Municipal Planning Strategy.

The following decision options is therefore put forward:

### **OPTIONS:**

Option One: Recommend that Council enter into the Development Agreement for East Victoria Street as drafted, and repeal the existing Development agreement associated with these properties.

Option Two: Recommend that Council not enter into the Development Agreement for East Victoria Street.

Option Three: Defer a decision and request additional information and /or changes to the proposal.

**STAFF RECOMMENDATION: Option One.**

Case No: DA-2024-01

This Agreement made this X<sup>th</sup> Day of 2024.

Between:

**CASEY REALTY LIMITED** (owner of three abutting properties along Electric Street, East Victoria Street and Maple Avenue, Amherst [PIDs: 25508698, 25005430 and 25033747], hereinafter called the “Owner”),

of the one part, and

**The Town of Amherst** (a body corporate in the Province of Nova Scotia, hereinafter called the “Town”),

of the other part.

WHEREAS the Owner wishes to obtain permission pursuant to Policy CP-15 of the Municipal Planning Strategy of the Town of Amherst, to construct a 3-story, 24-unit apartment building and a 6-storey mixed-use building on three abutting properties along Electric Street, East Victoria Street and Maple Avenue (PIDs: 25508698, 25005430 and 25033747 respectively).

AND WHEREAS a condition of the granting of approval of Council is that the Owner enter into an Agreement with the Town;

AND WHEREAS the Council of the Town, at its meeting on the XX<sup>th</sup> Day of [Month] 2024, approved the said Development Agreement, subject to the registered Owner of the land described herein entering into this Agreement;

AND WHEREAS the following Schedules shall be attached to and form part of this Agreement:

- (a) Schedule ‘A’ - Terms and Conditions
- (b) Schedule ‘B’ - Property Location Map
- (c) Schedule ‘C’ – Site Plan
- (d) Schedule ‘D’ – Building Elevations

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the granting by the Town of the Development Agreement requested by the Owner, the Owner agrees as follows:

- 1) That the Owner is the registered owner of the aforesaid Land in the Town of Amherst, hereinafter called the “Land”. The aforesaid Land is the only land in the Town of Amherst to which this Agreement applies, and the Land is illustrated in the plan shown on Schedule B attached.
- 2) That the Owner may construct a maximum of a 24-unit, 3-level apartment building and a 6-storey mixed-use building on the said Land, subject to Schedules A, B, C, and D attached.
- 3) Nothing in this Agreement shall exempt or be taken to exempt the Owner or any other person from complying with the requirements of any Bylaw of the Town applicable to the Property

(other than the Land Use Bylaw to the extent varied by this Agreement) or any Provincial or Federal statute, act, or regulation.

- 4) Any failure of the Town to insist upon strict enforcement of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Town may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.
- 5) Should the Owner fail to act in accordance with any aspect of this Agreement, the Town shall retain the right to discharge the Agreement upon 30 days notification and / or enter the property and conduct the required work. The cost of the said work will become a lien on the property tax bill.
- 6) The Town shall issue the necessary Development Permit for the development upon expiration of the appeal period specified for Development Agreements under Section 249 of the *Municipal Government Act*, as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken.
- 7) The Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Town in accordance with Section 229 of the *Municipal Government Act*.

**SIGNED, SEALED AND DELIVERED**

In the presence of

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**THE TOWN OF AMHERST**

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David Kogon MD, Mayor

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Jason MacDonald, MCIP, LPP, CAO

**FOR THE OWNER**

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Jim Furlong

## **Schedule A      PID 25508698, 25005430 and 25033747, Electric Street, Amherst**

### Terms and Conditions:

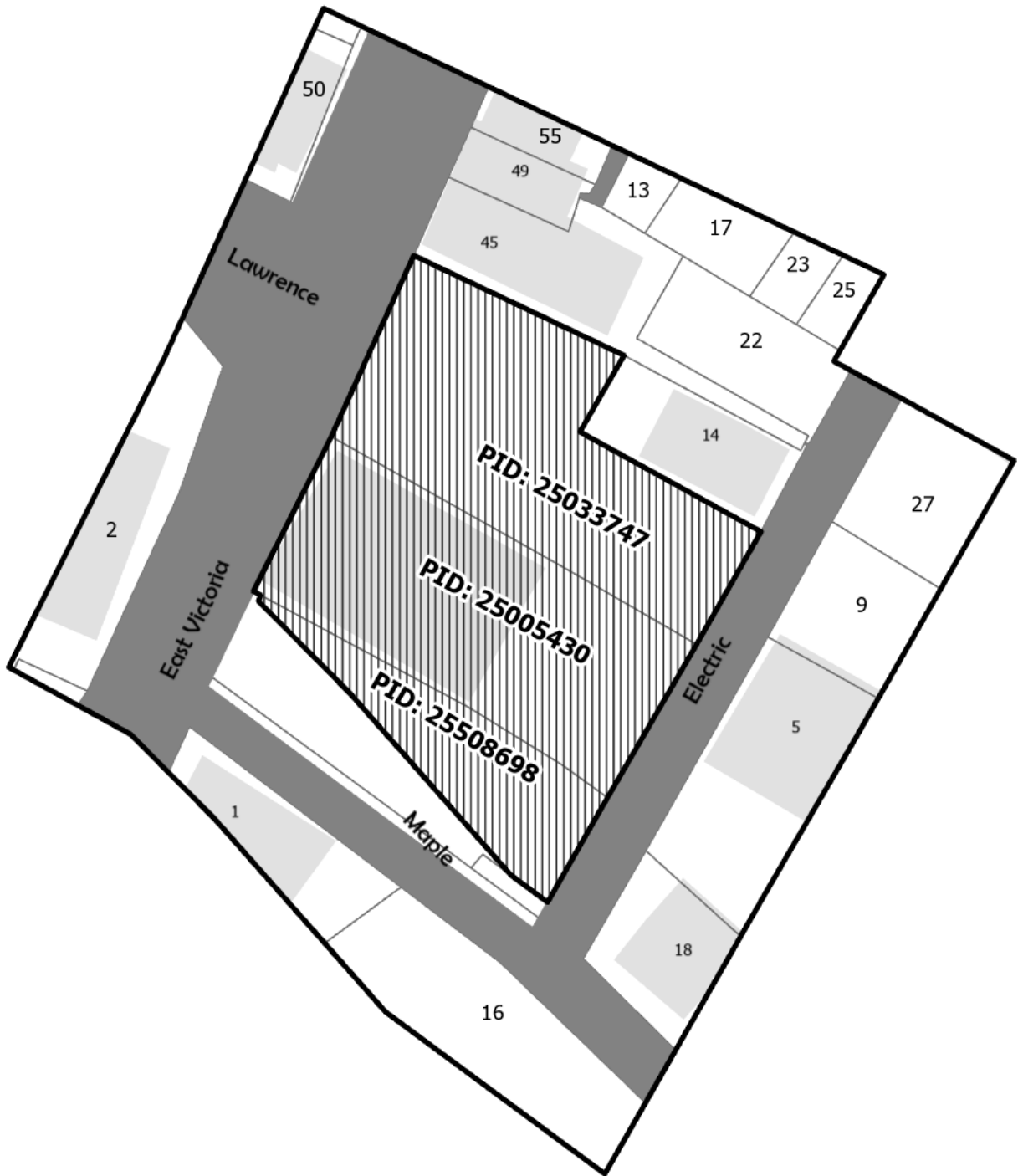
#### 1.0 USE OF LAND AND BUILDINGS

- 1.1 The use of the properties shall be limited to residential uses within a maximum of a 24-unit, 3-level apartment building and a 6-storey mixed use building that shall contain commercial uses on the ground floor and up to 62 dwelling units on the upper floors, in the general location as shown on Schedule 'C'. Additional commercial uses may be permitted on the upper floors by reducing the number of dwelling units.
- 1.2 A minimum of 100 parking spaces shall be provided on the Land and shall be generally configured as shown on Schedule 'C' on the surface level with the balance of parking spaces provided underground.
- 1.4 Accessory buildings may be permitted on the Land in accordance with the *Town of Amherst Land Use Bylaw* and shall not be considered a substantial change to this agreement.
- 1.5 The buildings shall generally conform to the designs shown on Schedule 'C' and 'D'. Variations to the architectural details and footprint of the dwellings may be permitted, to the satisfaction of the Development Officer. Such changes shall not be considered substantial.
- 1.6 The Owners shall be responsible for landscaping unpaved areas and maintenance on the Land.
- 1.7 The Owner shall be responsible for maintaining screened solid waste containment areas, generally in the locations shown on Schedule 'C'.
- 1.8 Paving of the driveways and parking areas shall be completed for the facility within twelve (12) months from the date an Occupancy Permit is issued for the first building constructed.

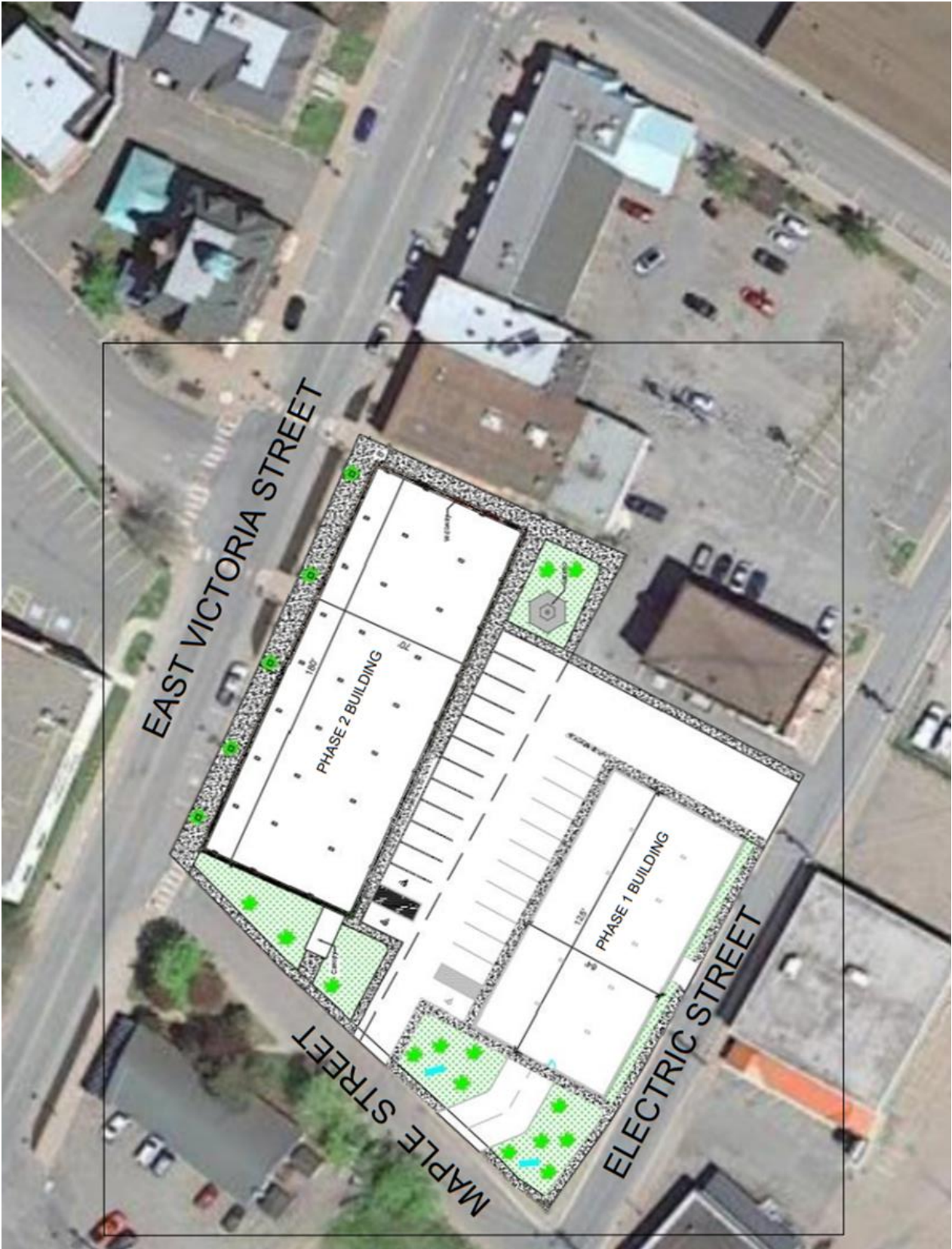
#### 2.0 GENERAL REQUIREMENTS

- 2.1 The Owner shall keep the Land, building and any portion thereof clean and in good repair. All elements of the development on the Land shall be regularly maintained and kept in a tidy state, and free from unkept materials of any kind.
- 2.2 The Owner shall ensure that exterior lighting does not shine directly onto adjacent properties.
- 2.3 Solid waste management shall be in conformance with the Town of Amherst *Solid Waste Bylaw*.
- 2.4 The Owner shall be responsible for storm water management during and after construction.
- 2.5 The Owner shall take all reasonable steps to maintain a clean worksite during construction by picking up building material waste.

# SCHEDULE 'B'

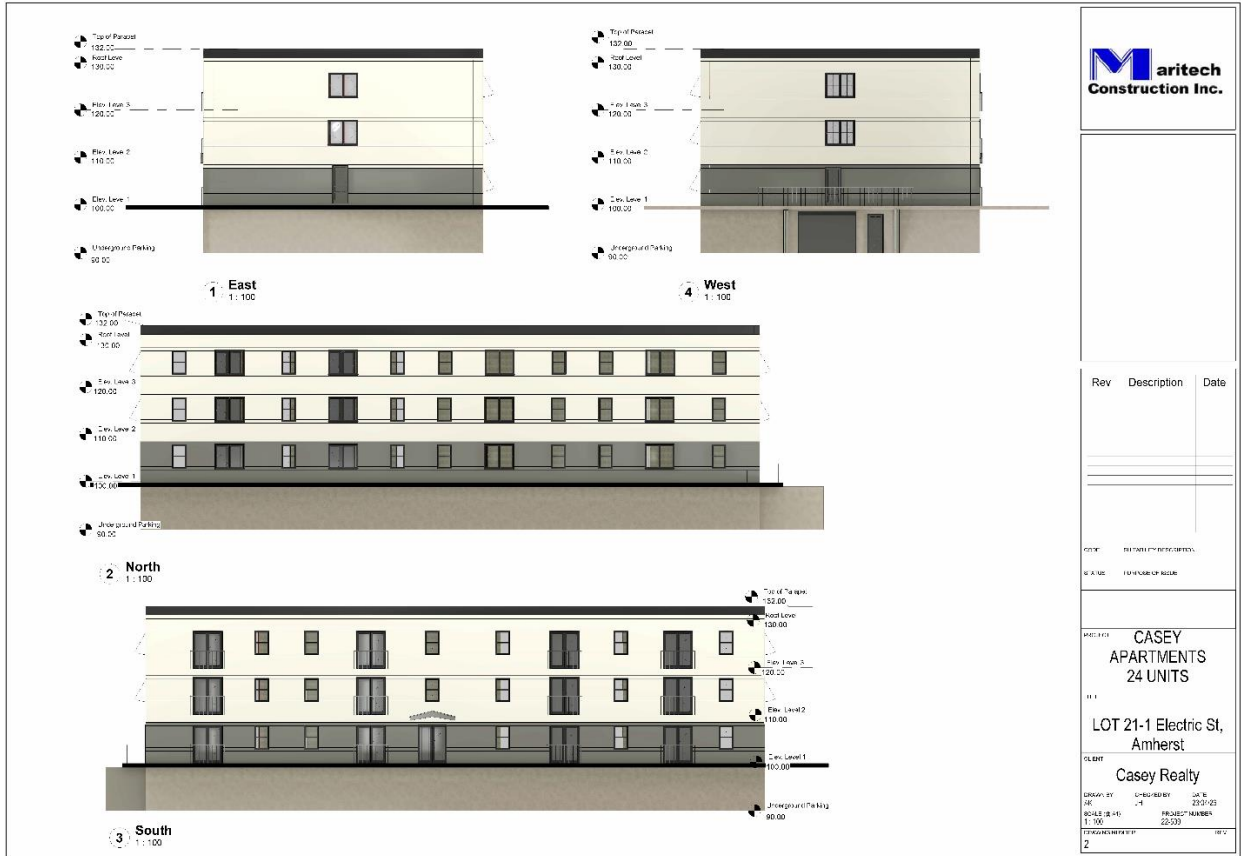


**SCHEDULE 'C'**



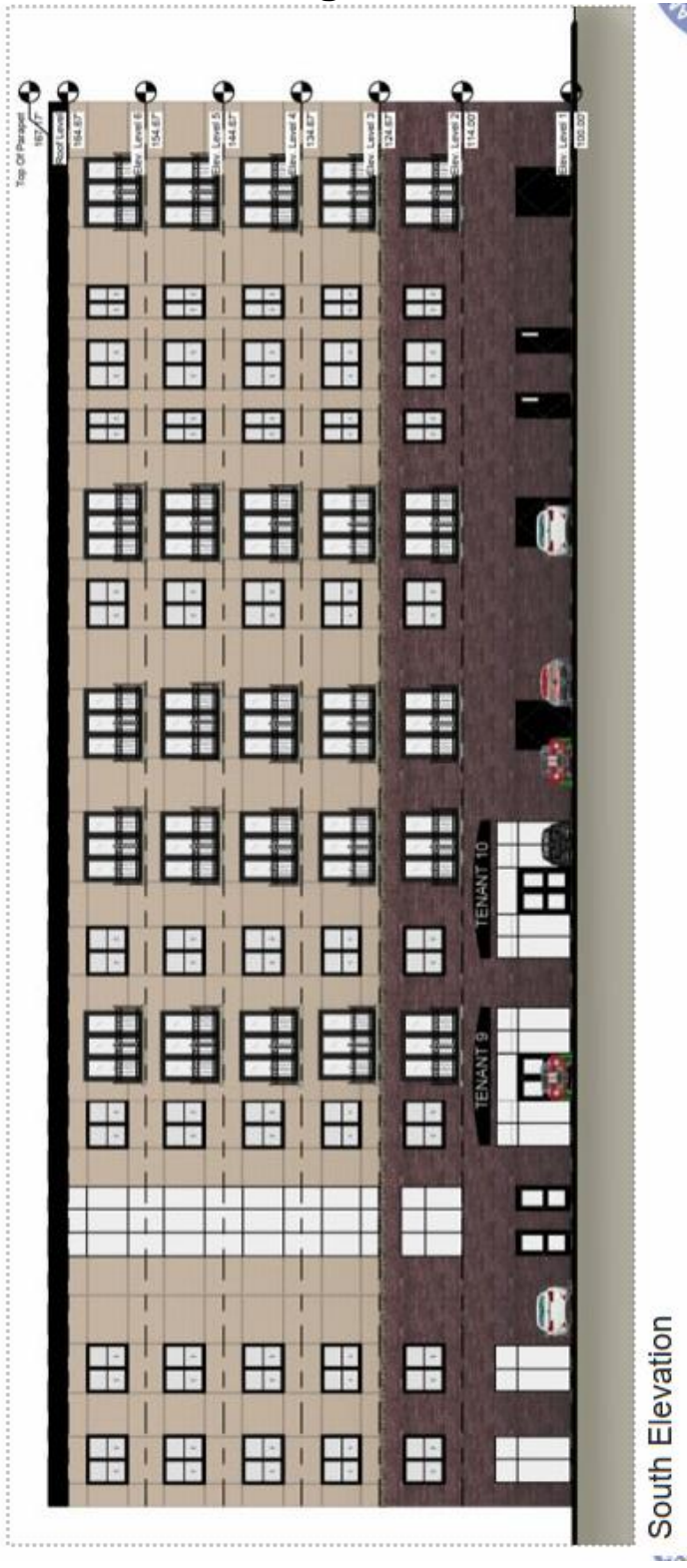
# SCCHEDULE 'D'

## Phase 1 Building





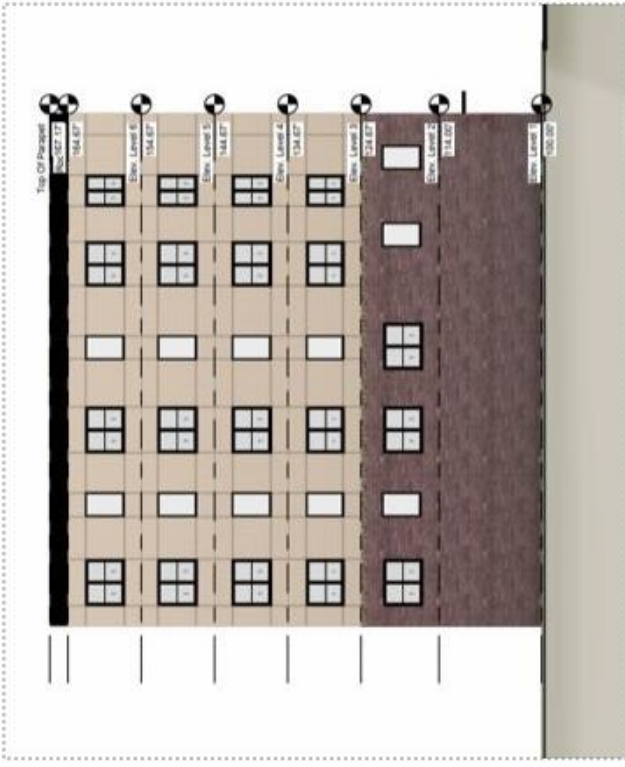
# SCHEDULE 'C' Phase 2 Building



# SCHEDULE 'C' Phase 2 Building



West Elevation

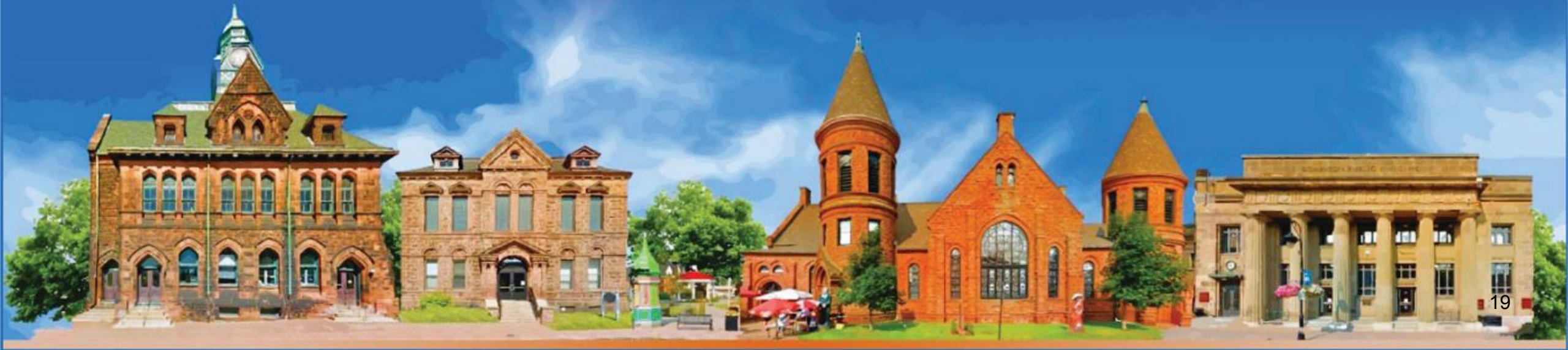


East Elevation

# Application Briefing

**Development Agreement to Permit the Construction of a 6-story, 52-62-unit Apartment Building on East Victoria**

January 8, 2024



# Disclaimer

These applications are not the Town's proposal. It is a property owner's right to make an application for a development agreement or a zoning map amendment. No approval or decisions have been made.

# Introduction

## Aim

The aim is to ensure public involvement in the planning process, particularly on development proposals that require a development agreement and/or an amendment to any of the existing planning documents.

## Objectives

Specifically, the following will be addressed:

- I. Explain the concept of “development agreement” and how it is administered in the Town of Amherst.
- II. Describe the proposal and outline the relevant land use bylaws and policies.

# Development Agreement

## What is a Development Agreement (DA)?

A development agreement is a legally binding contract between a property owner and the Town that stipulates standards, design requirements, terms and conditions to which the property owner must adhere.

Aspects of a development that may be addressed in this agreement may include:



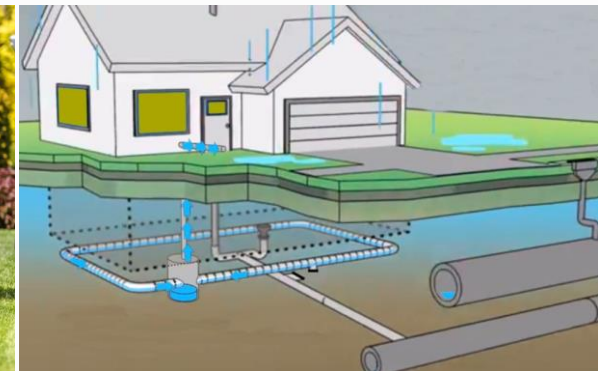
Architectural Design



Parking



Landscaping



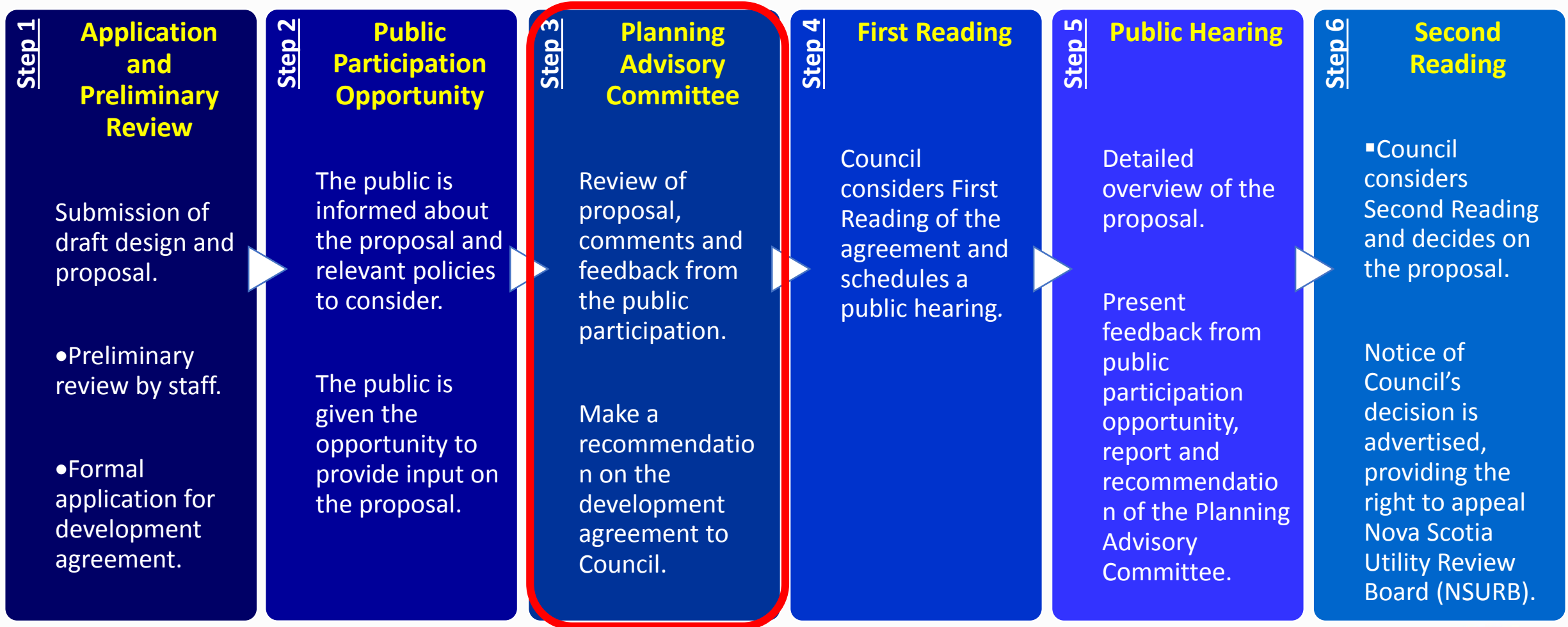
Drainage

A development agreement may also influence the use, fencing and other similar site features to ensure the matter is addressed adequately, stipulate how the project should be phased, enforce certain special requirements, and require the developer to make contribution towards funding public infrastructure.

# Development Agreement Process

1. Public Participation Opportunity is where a summary of the proposal and relevant policies to consider is provided. The proponent is invited to attend and the public is invited to provide input.
  2. The applicant is given an opportunity to make changes as a result of the public input.
  3. Council considers First Reading of the **The Planning Advisory Committee (PAC) considers a recommendation to Council based on a summary of the Public Participation Opportunity meeting and a staff report.**
  4. agreement and schedules a Public Hearing.
  5. Council considers Second Reading, and if approved, notice is placed in local media providing 14-days to appeal the decision.
  6. If no appeals are received the agreement is executed and Building Permits can be issued, subject to agreement terms.
- \*All meetings of the PAC and Council are open to the public.
  - **The final decision to enter into a development agreement or amend a planning document** rests on the town Council and must be reasonable in keeping with the intent of the Municipal Planning Strategy.

# Development Agreement Process



*\*All meetings of the Planning Advisory Committee and Council are open to the public.*

# Application Details

**Applicant/ Owner:** Casey Realty Limited

**Summary of Proposal:** Development Agreement to permit the construction of a 6-level mixed-use building fronting along East Victoria Street that would contain ground-level commercial uses and up to 62 dwelling units. This is considered Phase 2 in addition to the already approved Phase 1 that includes a 3-level, 24-unit apartment building that will front along Electric Street.

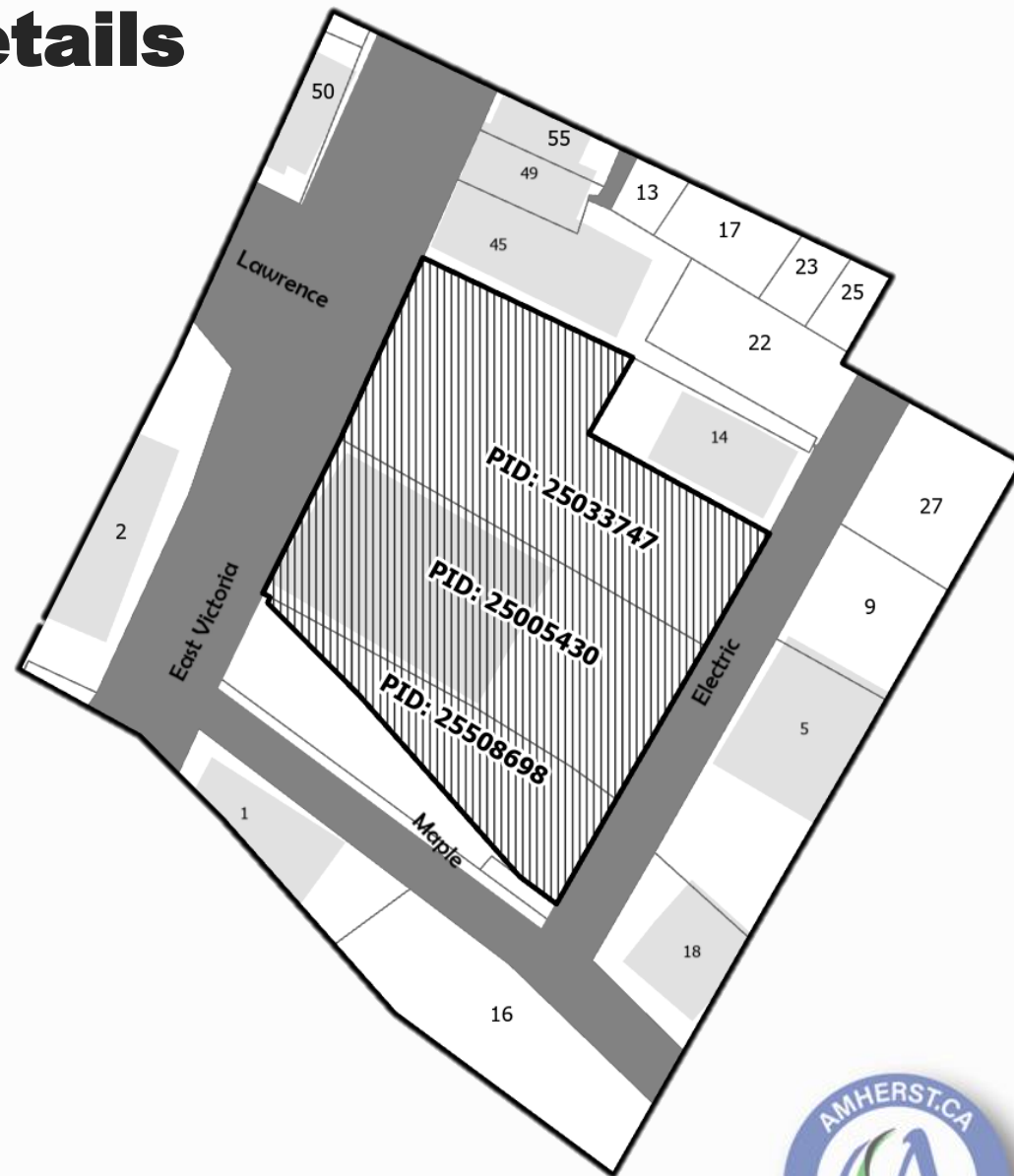
**Location:** Lots 21-1 Maple Avenue, 92-1 Victoria Street East, and 32 Victoria Street East (PIDs: 25508698, 25005430 and 25033747 respectively).

**Property Area:** approximately 4586m<sup>2</sup> (1 acre).

**Existing Zoning:** Downtown (Core Area District)

**Existing Land Use:** Parking and open space.

**Street Frontage:** 61m along East Victoria Street, 62m along Maple Avenue and 70m along Electric Street.



# Neighbourhood Context

- The subject property exists in the Downtown Core Area and is bound by Victoria Street, Maple Avenue and Electric Street. The proposal would frame one of the main entrances to town via Lawrence Street.
- The Downtown Core Area contains a wide range of commercial uses and services within a short walking distance to the site. This includes restaurants (Britney, Duncan's Pub, Art of Eating), Commercial Offices (Arthur J. Gallagher, Creighton Shatford), recreational facilities (Victoria Park, Dooly's, Amherst Lions Club), and health facilities (Lawtons Drugs Amherst).
- Moving further north along Victoria Street, the neighborhood consists of several historically significant buildings.
- Further down in the southwest direction is the railway and predominantly residential neighborhoods.



# Neighbourhood Context



#seewhyweloveit



# General Description

**Phase 2:** A 6-story, 62-unit apartment building. One bedroom plus den, two bedroom, and two bedroom plus den units. First floor commercial and health care use and potentially 2<sup>nd</sup> floor.

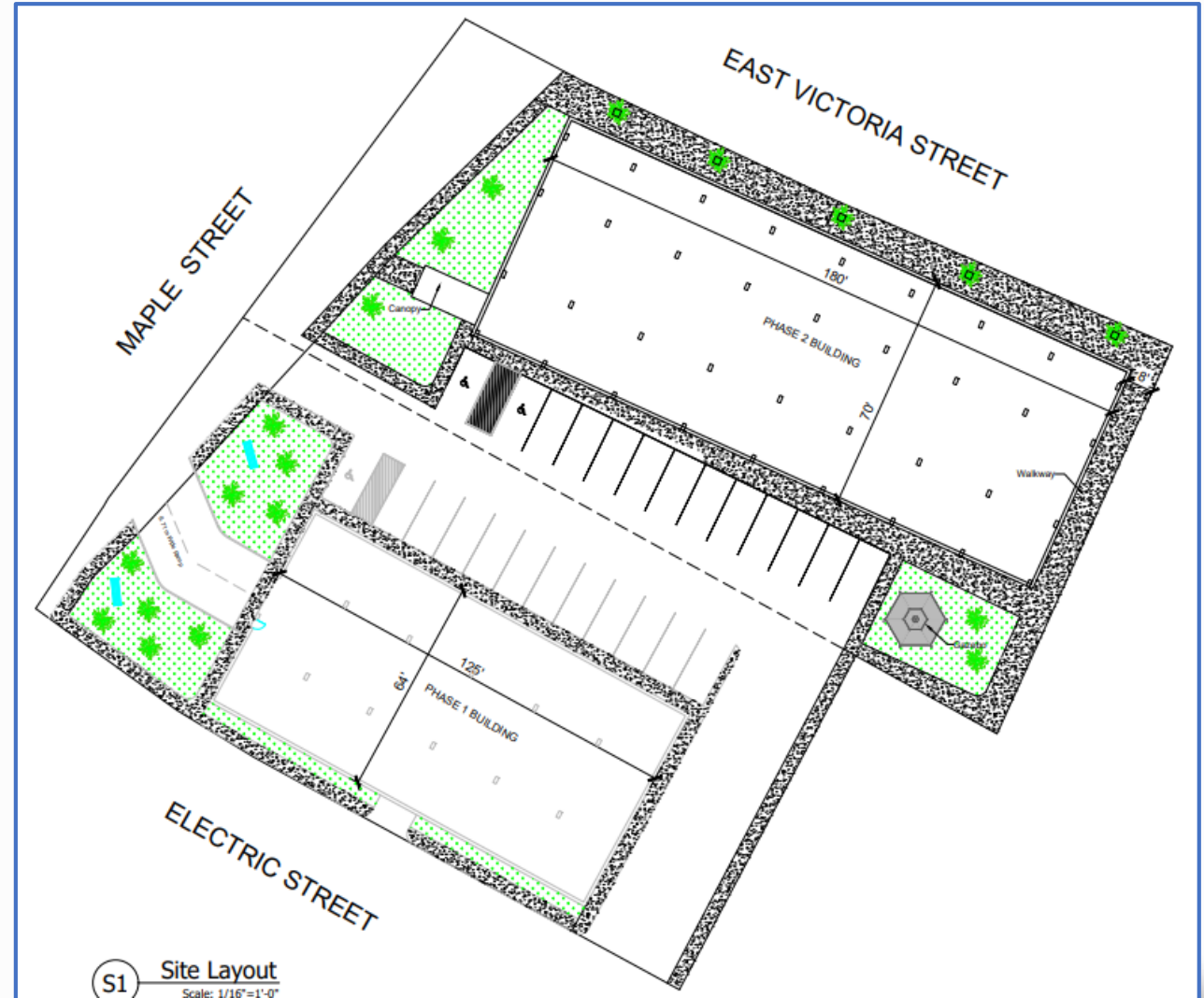
**Proposed building area:** 6689m<sup>2</sup> (72,000 sqft).

**Lot coverage:** 24%.

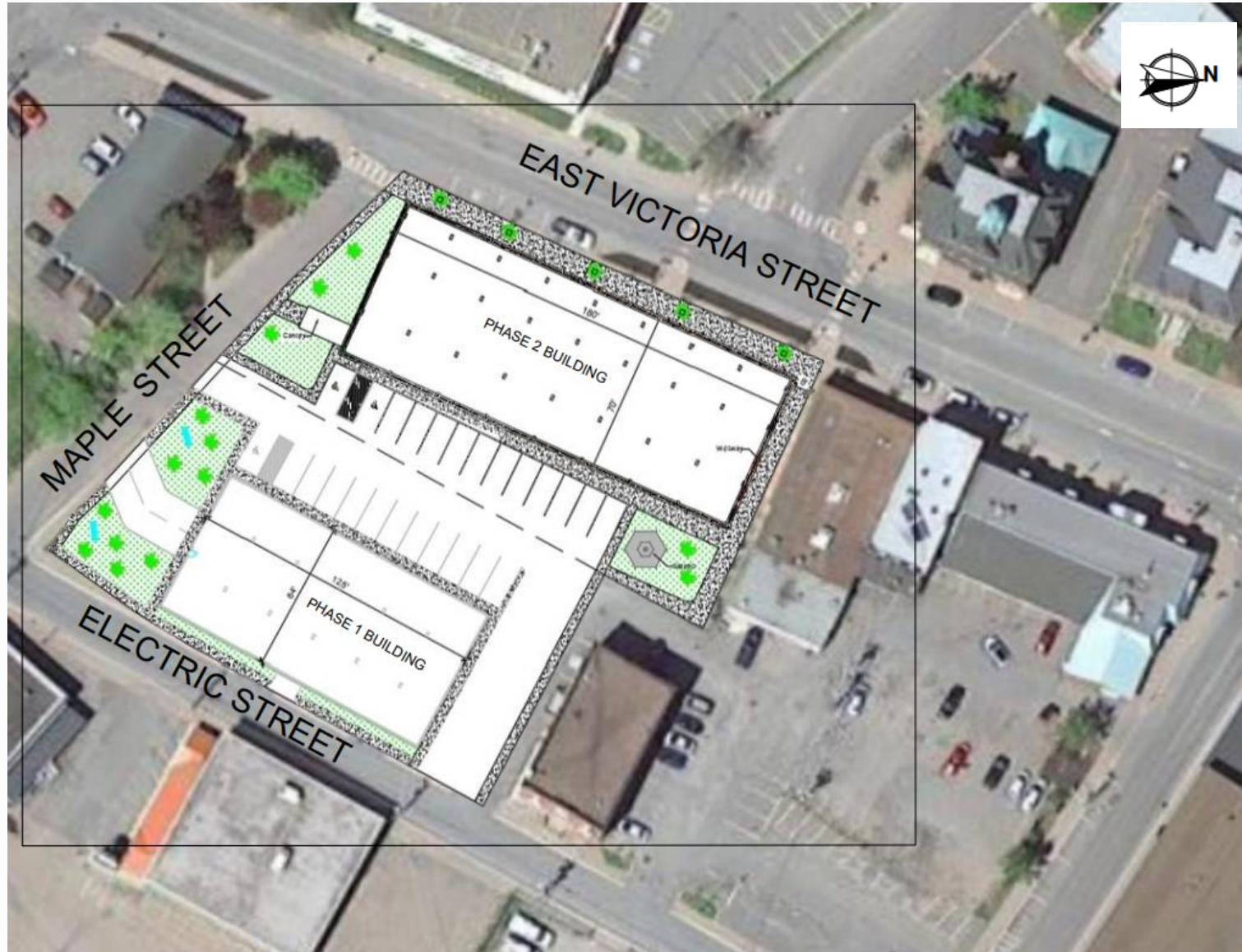
**Density:** 86 units/acre

**Parking:** 100 total spaces for both buildings, with 75 underground and 25 surface spaces.

**Access:** Maple Avenue (underground parking) & Electric Street (Surface parking). The existing side walk along Maple Avenue and Electric Street will be extended around the building to ease pedestrian movement.



# Site Plan



# Building Elevation



North Elevation

# Building Elevation



North Elevation

# Building Elevation



East Elevation



West Elevation

# Building Elevation (3D)



#seewhyweloveit



# Relevant Planning Bylaws And Policies

## 1. Land Use Bylaw Section 7.2.2 (Permitted Uses by Development Agreement )

In a Residential Zone, an application for the following uses shall be considered by development agreement in accordance with the applicable Municipal Planning Strategy (MPS) Policy:

(e) Apartment buildings greater than 4 units in accordance with Policy RP-9 of the MPS.

## 2. Residential Policies

### **RP-9 (Medium and High Density by Development Agreement)**

It shall be the intention of Council to ensure medium and high density residential development occur in a manner compatible with a low density residential neighborhood. Specifically, Council shall require that all residential developments greater than 4 dwelling units per property, be subject to a Development Agreement.

In negotiating such an agreement Council shall ensure that:

- (a) ensure that the structure(s) is located on the lot in such a manner as to limit potential impacts on surrounding low density residential developments;
- (b) ensure that the development provides sufficient on-site parking, and appropriate access to, and egress from the street;
- (c) ensure that the location of parking facilities does not dominate the surrounding area, including the utilization of vegetation and fences to mitigate the aesthetic impacts of parking lots;

# Relevant Planning Bylaws And Policies

## 2. Residential Policies

### **RP-9 (Medium and High Density by Development Agreement) (Con't)**

- (d) ensure that any on site outdoor lighting does not negatively impact the surrounding properties;
- (e) ensure that any signage on the property is sympathetic to the surrounding residential properties;
- (f) require the use of vegetation to improve the aesthetic quality of the development;
- (g) ensure that the architecture of the building is sympathetic to any existing development in the surrounding area.

### **RP-11 (Affordable Housing)**

It shall be the intention of Council to encourage and promote the provision of affordable housing units within all residential area of town by: (a) encouraging a mix of housing types and densities.

# Relevant Planning Bylaws And Policies

## 3. General Land Use and Development Policies

### **GP-7 (Compatibility)**

It shall be the intention of Council to allow a mix of compatible land uses and to minimize their impacts by:

- (a) requiring adequate buffering and setbacks;
- (b) screening development by the use of visual barriers;
- (c) regulating the location of parking, storage buildings or other accessory uses or facilities.

### **GP-8 (Density)**

It shall be the intention of Council to allow development at a density appropriate to the overall desired character of the town.

## 4. Municipal Service Policies

**MS-11 (In-fill Development):** It shall be the intention of Council to encourage and facilitate the development of vacant land located on existing municipal services in order to make more efficient use of such services.

## 5. Sustainability Policies

**SP-1 (Residential Development):** It shall be the intention of Council to encourage high density residential development in the Downtown Zone

**SP-2 (Residential Development):** It shall be the intention of Council to encourage multiunit residential on the upper floors in the Downtown Zone.

# Relevant Planning Bylaws And Policies

## 6. Land Use Bylaw Section 8.3.2 (Permitted uses by Development Agreement)

In the Downtown Zone, a development permit application for the following uses shall be considered by development agreement in accordance with the applicable Municipal Planning Strategy (MPS) Policies:

(d) Ground floor residential uses subject to MPS Policy CP-15.

## 7. Commercial Policies

### **P-15 (Ground Floor Residential)**

It shall be the intention of Council to consider applications for ground floor residential uses in the Downtown Zone by Development Agreement excluding that portion of a building that abuts Church, Victoria and Havelock Streets. Outside said streets, applications for new residential buildings or ground floor conversion of existing commercial and institutional buildings will not be considered for residential uses unless it can be shown that such a conversion will not detract from the commercial character of the surrounding streetscape.

In negotiating such a development agreement, Council shall take into account:

(a) the location, height, bulk of the building;

(b) the architecture of the building;

(c) signage;

(d) parking facilities;

(e) landscaping;

(f) pedestrian access;

(g) the unique characteristics of the property and its relationship to the surrounding streetscape;

(h) that the ground floor frontage of any building fronting on Church, Havelock or Victoria Streets shall be used for commercial purposes.

# Relevant Planning Bylaws And Policies

## 8. Implementation Policy

### **A-5 (Amendment Criteria)**

It shall be the intention of Council, when considering an amendment to this or any other planning document, including the entering into or amendment of a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:

- (a) That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.
- (b) That the proposal is not premature or inappropriate by reason of:
  - (i) the financial capability of the Town to absorb any costs relating to the development;
  - (ii) the adequacy of municipal water, sanitary sewer and storm sewer services;
  - (iii) the adequacy of road networks, in, adjacent to, or leading to the development
- (c) That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:
  - (i) type of use;
  - (ii) height, bulk and lot coverage of any proposed building;
  - (iii) parking, traffic generation, access to and egress from the site;
  - (iv) any other matter of planning concern outlined in this strategy.

**Town of Amherst  
Public Participation Opportunity  
Summary**

**Date:** January 3, 2024  
**Time:** 5:00 pm  
**Location:** Council Chambers, Town Hall

**Council Present**  
Deputy Mayor Dale Fawthrop  
Councillor Charlie Chambers  
Councillor Hal Davidson  
Councillor Leon Landry  
Councillor Lisa Emery

**Members Present**  
Ronald Wilson, Chair, Planning Advisory Committee  
Creighton McCarthy, Citizen Representative, Planning Advisory Committee

**Staff Present**  
Andrew Fisher, Director, Planning & Strategic Initiatives  
Torben Laux, Planner/Development Officer  
Jeff Bacon, Business Development Officer  
Marc Buske, Building Official  
Natalie LeBlanc, Municipal Clerk  
Cindy Brown, Administrative Assistant

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**1. Call to Order**

Andrew Fisher called the Public Participation Opportunity to order.

**2. Territorial Acknowledgment**

Andrew Fisher gave the Territorial Acknowledgement.

**3. Introduction**

Andrew Fisher introduced the Town of Amherst staff, members of Council and the members of the Planning Advisory Committee that were in attendance as observers, and explained the development agreement process.

**4. 15 & 31 Victoria Street East**

**4.1 Staff Reports / Presentations**

Andrew Fisher presented the Development Agreement application to permit construction of a 6-storey, 62-unit mixed use commercial and residential building at 15 & 31 Victoria Street East (PIDs: 25033747, 25005430, 25506698).

#### **4.2 Public Participation Opportunity**

**Mikhial Mansour** spoke to the application and how he feels it will fit in well with the downtown area.

**Ed Childs** expressed his frustration that the Town is not providing more information regarding this application before the Public Participation Opportunity. He feels the full development application and supporting documents should be posted on the Town's webpage and more information should have been included in the notices that were sent out to the residents. He does however support the proposal.

**Robb Small** says he fully supports this development. He said he felt more information could have been provided prior. He has a concern if the Fire Services would be adequate in case of a fire, particularly if the Town's fire apparatus could reach six storeys, and if there would be adequate water supply.

**Debbie Landry** says she supports the application.

#### **5. Closing**

There being nothing further, Mr. Fisher closed the Public Participation Opportunity and thanked everyone for coming and for their inputs.